

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 25-632

Caption [use short title]

Motion for: Suspension of Deadlines During Lapse
in AppropriationsCFTC v. Alexandre, Acluche

Set forth below precise, complete statement of relief sought:

The CFTC requests all deadlines be suspended during
the lapse in appropriationsMOVING PARTY: CFTCOPPOSING PARTY: Pierre Acluche☐

Plaintiff

☐

Defendant

☐

Appellant/Petitioner

☒

Appellee/Respondent

MOVING ATTORNEY: Conor DalyOPPOSING ATTORNEY: Pierre Acluche (pro se)

[name of attorney, with firm, address, phone number and e-mail]

Commodity Futures Trading Commission905 Hines Avenue1155 21st Street, NW Washington DC 20581Lehigh Acres, FL 33972cdaly@cftc.gov (202) 834-9752pmacluche@gmail.com (239) 297-6209Court- Judge/ Agency appealed from: SDNY - Judge Valerie E. Caproni

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒

Yes

☐No (explain): Movant did not receive a response
after contacting opposing party.

Opposing counsel's position on motion:

☐

Unopposed

☐

Opposed

☒ Don't Know

Does opposing counsel intend to file a response:

☐

Yes

☐

No

☒ Don't KnowFOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND
INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?

☐

Yes

☐

No

Has this relief been previously sought in this court?

☐

Yes

☐

No

Requested return date and explanation of emergency: _____

Is the oral argument on motion requested?

☐

Yes

☒

No (requests for oral argument will not necessarily be granted)

Has the appeal argument date been set?

☐

Yes

☒

No If yes, enter date: _____

Signature of Moving Attorney: _____

Date: 10/1/2025Service : ☒ Electronic ☒ Other [Attach proof of service]

25-632

IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Commodity Futures Trading Commission,
Plaintiff-Appellee,
ABC,
Plaintiff,
v.
Pierre Acluche,
Appellant,
Eddy Alexandre, DEF, EminiFX, Inc.,
Defendants,
United States of America,
Intervenor.

On Appeal from the United States District Court
for the Southern District of New York, No. 22-cv-03822-VEC

**APPELLEE COMMODITY FUTURES TRADING COMMISSION'S
MOTION FOR SUSPENSION OF DEADLINES DURING LAPSE IN
APPROPRIATIONS**

Meghan Tente
Acting General Counsel
Anne Stukes
Acting Deputy General Counsel
Conor Daly
Counsel
Commodity Futures Trading Commission
1155 21st Street, NW
Washington, DC 20581
(202) 834-9752
cdaly@cftc.gov

Dated October 1, 2025

Appellee the Commodity Futures Trading Commission (“CFTC”), hereby notifies this Court and all parties that, due to a lapse in government funding, all non-essential government employees, including the undersigned counsel for the CFTC, have been furloughed and prohibited by law from performing actions related to their employment. *See* 31 U.S.C. § 1341 (“Anti-deficiency Act”). Specifically, undersigned counsel Conor Daly, who has primary responsibility for litigating this appeal on behalf of the CFTC, may not monitor the docket of this case, check mail, emails or voicemails for communications from the Court or counsel, or comply with any deadlines that may arise, or any oral argument that may be scheduled, during the time that the government is shut down.¹ Counsel for the CFTC has reached out to Appellant, who has not responded.

Accordingly, the CFTC respectfully requests that this Court suspend the proposed case calendaring until 21 days after the resumption of appropriations. The CFTC also requests the Court suspend any other deadlines applicable to the CFTC that may apply or arise during the government shutdown, until such time as counsel’s employment status is reinstated. In the event the Court needs to communicate with counsel for the CFTC in case of emergency, the following counsel will be available during the government shutdown: Megan Tente, Acting

¹ Counsel for the CFTC is able to file this Notice pursuant to authority to conduct an orderly shutdown of operations in the event of a lapse in appropriations.

General Counsel, Commodity Futures Trading Commission, 1155 21st Street NW, Washington DC 20581, Phone: (202) 418-5785, Cell: (202) 352-0503. We respectfully request that the Court call or email Ms. Tente directly if a response is required or a deadline applicable to the CFTC is activated during the shutdown.

Respectfully Submitted,

Dated: October 1, 2025

/s/ Conor Daly²
Counsel
Commodity Futures Trading
Commission
1155 21st Street, NW
Washington, D.C. 20581-0001
Phone: (202) 834-9752
cdaly@cftc.gov

² On September 30, 2025, the CFTC filed a Notice of Appearance as Substitute Counsel (ECF No. 45), to substitute Margaret Aisenbrey for Conor Daly as counsel of record. However, at the time of this filing, the substitution had not yet been processed, and the CFTC had to promptly file this notice. Accordingly, this notice is filed by Conor Daly as the listed counsel of record for the CFTC.

CERTIFICATE OF COMPLIANCE

1. This document complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) and Second Circuit Rule 27.1(a) because it contains 289 words, excluding any part exempted by Fed. R. App. P. 27(a)(2)(B) and 32(f).

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a monospaced typeface using 2019 Microsoft Word in Times New Roman 12-point type.

/s/ Conor Daly

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of October 2025, I have caused a copy of the foregoing to be served on counsel of record through the Court's CM/ECF system. I further certify that I caused the foregoing to be sent by certified mail upon the following:

Pierre Acluche
905 Hines Avenue
Lehigh Acres, FL 33972

Dated: October 1, 2025

/s/ Conor Daly
Conor Daly